

### **REMARKS**

Claims 1-17 are pending in the above-identified application. Claims 1, 2, 4, 6-12, 14, 16 and 17 were rejected. Claims 3, 5, 13, and 15 were objected to as being dependent on rejected base claims. With this Amendment, Claims 1 and 11 have been amended and Claims 3 and 13 have been cancelled. Accordingly, Claims 1, 2, 4 - 12, and 14 - 17 are at issue.

#### **I. Objection to The Specification**

In regard to the Examiner objection to the specification because of informalities, as illustrated in "In the Specification" section of the present paper Applicant has provided the following title:

"COMMUNICATION DEVICE AND METHOD FOR  
TRANSMITTING THROUGH THE USE OF ACCUMULATION  
OF CAPACITY TOKENS"

Accordingly, Applicant respectfully requests that this title objection be withdrawn.

#### **II. 35 U.S.C. § 102 Anticipation Rejection of Claims**

Claims 1, 2, 4, 6-12, 14 and 16-17 were rejected under 35 U.S.C. § 102(e) as being anticipated by Mc Alpine (U.S. Patent No. 6,011,798).

Further, Claims 3, 5, 13 and 15 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any interviewing claims.

Independent Claims 1 and 11 have been amended by incorporating the limitations of Claims 3 and 13, respectively. Thus, the rejections of Claims 1 and 11 under 35 U.S.C. § 102(e) are now moot.

Accordingly, Claims 1 and 11 are allowable, and corresponding dependent Claims 2, 4 - 10, and 12, 14 - 17 are also allowable for at least the same reasons.

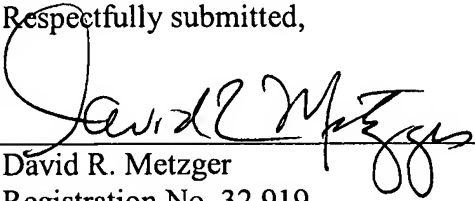
**III. Conclusion**

In view of the above amendments and remarks, Applicant submits that Claims 1, 2, 4 - 12, and 14 - 17 are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

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